

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARNELL POLITE,

Defendant.

8:17CR45

ORDER

Defendant Darnell Polite appeared before the court on August 23, 2018 on a Second Amended Petition for Offender Under Supervision [114]. The defendant was represented by Assistant Federal Public Defender Richard H. McWilliams, and the United States was represented by Assistant U.S. Attorney Matt E. Lierman.

Through his counsel, the defendant waived his right to a probable cause hearing on the Second Amended Petition for Offender Under Supervision [114] pursuant to Fed. R. Crim. P. 32.1(b)(1). I find that the Petition alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Judge Gerrard.

The government moved for detention. A detention hearing was held. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Judge Gerrard.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Gerrard in Courtroom No. 1, Fourth Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on September 20, 2018 at 12:30 p.m. The defendant must be present in person.

2. The defendant, Darnell Polite, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 24th day of August, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge